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*Attorneys for Plaintiffs
Boehringer Ingelheim Pharma GmbH & Co. KG,
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Boehringer Ingelheim Pharmaceuticals, Inc.*

R E C E I V E D

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NOV 17 2016
AT 8:30
WILLIAM T. WALSH
CLERK

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BOEHRINGER INGELHEIM PHARMA GMBH
& CO. KG, *et al.*,

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, INC., *et al.*,

Defendants.

Civil Action No. 14-7811 (MLC)(TJB)
Civil Action No. 15-1662 (MLC)(TJB)
Civil Action No. 15-7880 (MLC)(TJB)
(Consolidated)

(Filed Electronically)

STIPULATION AND ORDER REGARDING INFRINGEMENT

WHEREAS, Plaintiffs Boehringer Ingelheim Pharma GmbH & Co. KG, Boehringer Ingelheim International GmbH, and Boehringer Ingelheim Pharmaceuticals, Inc. (collectively, "Boehringer") have asserted that Defendants Apotex Corp. and Apotex Inc. (collectively, "Apotex"), by submitting Abbreviated New Drug Application ("ANDA") No. 208070 seeking approval to engage in the commercial manufacture, use, sale, or offer for sale of generic capsules containing dabigatran etexilate mesylate ("Apotex's ANDA Products"), infringes claims 7 and 9 (collectively, "the Asserted Claims") of United States Patent No. 6,087,380 ("the '380 patent");

WHEREAS claims 1-6, 8, and 10-13 will not be asserted in this action;

WHEREAS, Apotex has filed ANDA No. 208070 containing a certification pursuant to 21 U.S.C. § 355(j)(2)(A)(vii)(IV) that, in its opinion, the '380 patent is invalid, unenforceable, or will not be infringed by the commercial manufacture, use, or sale of the products that are the subject of ANDA No. 208070;

WHEREAS, Apotex served Invalidity Contentions dated December 12, 2015 ("Apotex's Invalidity Contentions") with respect to the Asserted Claims;

WHEREAS, Boehringer and Apotex desire to reduce the amount of discovery required in view of the claims and defenses in this case;

NOW THEREFORE, Boehringer and Apotex, by their undersigned counsel, STIPULATE as follows:

1. Apotex's submission of ANDA No. 208070 constitutes infringement of the Asserted Claims, including any extensions thereof, pursuant to 35 U.S.C. § 271(e)(2)(A), provided those claims are not proven invalid and/or unenforceable. The commercial manufacture, use, sale, offer to sell, and/or importation of Apotex's ANDA Products prior to the expiration of the '380 patent, including any extensions thereof, would further infringe the Asserted Claims pursuant to 35 U.S.C. § 271, provided those claims are not proven invalid and/or unenforceable.

2. The parties make this stipulation without prejudice to or waiver of their rights on any appeal of any judgment of this Court, except with respect to the matters of infringement as stipulated herein.

IT IS HEREBY STIPULATED:

Dated: November 10, 2016

s/ Charles M. Lizza

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Dated: November 10, 2016

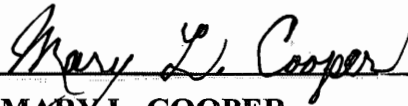
s/ Ryan P. Blaney

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Attorneys for Defendants

Apotex Corp. and Apotex Inc.

IT IS SO ORDERED on this 15th day of Nov., 2016



HON. MARY L. COOPER
UNITED STATES DISTRICT JUDGE